

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-33666 of 2016

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Date of decision:27.9.2016

Ashok Kumar

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Sanjeev Roy, Advocate for the petitioner.

Ms. Shivali, Assistant Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 439 Cr.P.C.
for grant of regular bail in case FIR No.94 dated 1.7.2015 for the offence
under Section 22 of the Narcotic Drugs and Psychotropic Substances Act,
1985 (hereinafter referred to as 'the NDPS Act') at Police Station Dayalpura,
District Bathinda.

Notice of motion to Advocate General, Punjab.

Ms. Shivali, learned Assistant Advocate General, Punjab has
put in appearance on behalf of respondent-State and contested this petition.

Police record is also available.

I have heard learned counsel for the petitioner and learned

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Assistant Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the allegations, the present petitioner Ashok Kumar and co-accused Harjinder Singh alias Soni (non-petitioner) were intercepted by the Police party. From the search of bag held by accused-Ashok Kumar, intoxicating powder to the tune of 150 grams was recovered which was later on found to be as Alprazolam. The recovery from the present petitioner falls in commercial quantity. Section 37 of the NDPS Act bars for grant of bail in case of commercial quantity, therefore, the petitioner is not entitled to the benefit of bail.

Therefore, in the facts and circumstances of the present case, I do not find any merit in this petition and the same is dismissed.

September 27, 2016.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No